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defense information. None of the restrictions on the Government's use or sharing of information under the DIB CS/IA program shall limit the Government's ability to conduct law enforcement, counterintelligence activities, or other activities in the interest of national security; and participation does not supersede other regulatory or statutory requirements.

(e) Participation in the DIB CS/IA program is voluntary and does not obligate the DIB participant to utilize the GFI in, or otherwise to implement any changes to, its information systems. Any action taken by the DIB participant based on the GFI or other participation in this program is taken on the DIB participant's own volition and at its own risk and expense.

(f) A DIB participant's voluntary participation in this program is not intended to create any unfair competitive advantage or disadvantage in DoD source selections or competitions, or to provide any other form of unfair preferential treatment, and shall not in any way be represented or interpreted as a Government endorsement or approval of the DIB participant, its information systems, or its products or services.

(g) The DIB participant and the Government may each unilaterally limit or discontinue participation in this program at any time. Termination shall not relieve the DIB participant or the Government from obligations to continue to protect against the unauthorized use or disclosure of GFI, attribution information, contractor proprietary information, third-party proprietary information, or any other information exchanged under this program, as required by law, regulation, contract, or the FA.

(h) Upon termination of the FA, and/or change of Facility Security Clearance status below Secret, GFI must be returned to the Government or destroyed pursuant to direction of, and at the discretion of, the Government.

(i) Participation in this program does not abrogate the Government's or the DIB participants' rights or obligations regarding the handling, safeguarding, sharing, or reporting of information, or regarding any physical, personnel, or other security requirements, as re-

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quired by law, regulation, policy, or a valid legal contractual obligation.

§ 236.7 DIB participant eligibility requirements.

To be eligible to participate in this program, a DIB company must:

(a) Have or acquire DoD-approved medium assurance certificates to enable encrypted unclassified information sharing between the Government and DIB participants;

(b) Have an existing active Facility Security Clearance (FCL) granted under the National Industrial Security Program Operating Manual (NISPOM) (DoD 5220.22-M) with approved safeguarding for at least Secret information, and continue to qualify under the NISPOM for retention of its FCL and approved safeguarding (<http://www.dtic.mil/whs/directives/corres/pdf/522022m.pdf>);

(c) Have or acquire a Communication Security (COMSEC) account in accordance with the NISPOM Chapter 9, Section 4 (DoD 5220.22-M), which provides procedures and requirements for COMSEC activities;

(d) Obtain access to DoD's secure voice and data transmission systems supporting the DIB CS/IA program,

(e) Own or operate covered DIB system(s), and

(f) Execute the standardized FA with the Government (available during the application process), which implements the requirements set forth in §§ 236.4 through 236.6.

PART 237a—PUBLIC AFFAIRS LIAISON WITH INDUSTRY

Sec.

237a.1 Purpose.

237a.2 Applicability.

237a.3 Objective and policy.

237a.4 Procedures.

AUTHORITY: 5 U.S.C. 301.

SOURCE: 35 FR 10889, July 7, 1970, unless otherwise noted.

§ 237a.1 Purpose.

This part establishes (a) guidance for preparation of the Defense Industry Bulletin, and (b) includes guidance and procedures governing Department of Defense cooperation with industry on (1) public affairs matters in general, (2)

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industry-sponsored events, and (3) advertising defense themes and products.

§ 237a.2 Applicability.

The provisions of this part apply to all components of the DoD.

§ 237a.3 Objective and policy.

(a) It is important that American industry—particularly defense contractors—understand the plans, programs, and activities of the DoD. Such understanding can be achieved by (1) wide dissemination of information to the business community, consistent with national security, and (2) cooperation with industry in public relations activities which are not contrary to the national or DoD interests.

(b) As outlined in part 237 of this subchapter, DoD components shall cooperate with industry at local and regional levels. However, they will notify the Assistant Secretary of Defense (Public Affairs) (ASD(PA)) promptly of any local or regional activity which has the potential of being escalated, or which has been escalated by unforeseen circumstances, to national or international interest.

§ 237a.4 Procedures.

(a) *Defense Industry Bulletin*. The bulletin, authorized by part 237 of this subchapter to apprise defense contractors, trade associations and other business organizations of DoD policies, plans, programs, and procedures which have an impact on business or industry, achieve widespread awareness and understanding of DoD policies, plans, programs, and procedures governing research, development and production, and the procurement of goods and services, and serve as a guide to and stimulate ideas throughout the industrial community concerning solutions of problems arising in fulfillment of DoD requirements, will be published and distributed by the Directorate for Community Relations, OASD(PA).

(1) DoD components may submit any of the items listed below to the Editor, *Defense Industry Bulletin*, OASD(PA), by the 20th day of each month. If no significant information exists, a negative report will be submitted.

(i) Articles, preferably by-lined, with supporting photographs or illustrations.

(Suggested length is 2,000–2,500 words, but may be shorter or longer as coverage of subject requires.)

(ii) Material covering subjects that are timely and of particular interest to those organizations oriented toward defense contracting, including, but not necessarily limited to:

- (a) Research and development;
- (b) Procurement;
- (c) Contract management;
- (d) Small business opportunity;
- (e) DoD policies affecting industry;
- (f) Management improvement programs, such as Zero Defects;
- (g) Programs successfully conducted by industry and the DoD working together;
- (h) Explanations of new DoD issuances affecting industry; and
- (i) Major organizational changes.

(iii) Key personnel appointment and reassignment announcements, for the “About People” section.

(iv) New or revised official directives, instructions, regulations, and other publications, for the “Bibliography” section.

(v) Scheduled technical meetings and symposia sponsored by DoD organizations, projected at least forty-five (45) days, for the “Meeting and Symposia” section.

(vi) Announcements of meetings, conferences, briefings, demonstrations, exercises, etc., projected at least forty-five (45) days, for the “Calendar of Events.”

(2) Each DoD component will designate one action officer and one alternate to assist the Directorate for Community Relations, OASD(PA), in carrying out responsibilities defined in paragraph (a)(1) of this section.

(b) *Participation in special events*—(1) *Industry-sponsored events*. (i) DoD components are encouraged to cooperate with and assist industry in activities and events beneficial to the Government, provided such cooperation and assistance is not in conflict with the provisions of part 40 of this chapter which authorizes participation in:

(a) Luncheons, dinners and similar gatherings when the host is an industrial, technical, or professional association, not an individual defense contractor or other commercial firm;

(b) Public ceremonies of mutual interest to industry, local committees, and the DoD (examples—ship launchings, rollouts, and first flights);

(c) Industrial programs which are in support of Government policy (example—international exhibits which offer the opportunity to promote U.S. scientific and technical leadership); and

(d) Civic and community projects in which industry relationship is remote from the purpose and tenor of the event (example—Armed Forces Day event sponsored by an individual firm).

(ii) Participation in events which benefit a particular firm (examples—open houses and ceremonies dedicating new facilities) will be limited, normally, to speaker participation (see part 238 of this subchapter).

(2) *DoD-sponsored events.* Generally, DoD public affairs programs will be performed within authorized resources. Contractor participation in DoD-sponsored events involving a firm's product or service may be authorized, provided such participation is in the Government's interest.

(3) *Jointly sponsored events.* Joint DoD-industry sponsorship may be desirable in certain instances (examples—seminars, conferences, and symposia). Industry assistance is normally provided by a trade, technical, or professional association. Requirements for clearance of DoD official information prepared for disclosure (see part 159 of this chapter and DoD Directive 5230.9, "Clearance of Department of Defense Public Information"¹) will be adhered to when applicable.

(4) *General.* Participation in industrial events of national and international interest must be approved by the ASD(PA) in advance. Detailed proposals, including cost estimates, will be submitted to the ASD(PA) through the headquarters of the DoD component concerned. Requests for approval involving industry participation in either DoD or DoD-industry sponsored events will specify the nature and extent of industry-furnished assistance, if any.

¹ Filed as part of the original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa. 19120, Attn: Code 300.

(c) *Use of DoD insignia, themes, and products in advertising—*(1) *Insignia.* Use of insignia is governed by part 237 of this subchapter.

(2) *Themes and products.* Requests for use of DoD themes and products in commercial advertising and other promotions will be evaluated in terms of their benefit to the DoD. A determination as to whether cooperation should be extended will be made by the ASD (PA) (except in the case of DoD component-controlled insignia), in accordance with the provisions of part 237 of this subchapter. The DoD will bear only those advertising costs authorized by section XV of the Armed Services procurement regulation in part 15 of this chapter.

(3) *Filmed material.* Participation in the production of motion pictures and TV programs, including filmed commercials, will be governed by provisions of DoD Instruction 5410.15,¹ "Delineation of DoD Audio-Visual Public Affairs Responsibilities and Policies," and DoD Instruction 5410.16,¹ "Procedures for DoD Assistance on Production of Non-Government Motion Pictures and Television Programs."

(d) *Use of contractor product identification.* DoD components may identify contractors in their information activities whenever the major responsibility for a product (example—an aircraft) can be clearly and fairly credited to an identifiable contractor. In these instances, DoD information releases will include both the manufacturer's name and the DoD component's designation of the product.

(e) *Solicitation.* (1) DoD representatives will not solicit, or authorize others to solicit, from contractors for advertising, contributions, donations, subscriptions, or other emoluments. Where there is a legitimate need for industry promotion items, such as scale models—for example in recruiting programs—the headquarters of the DoD Component concerned may authorize procurement of such items as required.

(2) Defense contractors wanting to distribute items through official DoD channels should be advised to contact the headquarters of the DoD component concerned for guidance.

(f) *Briefings.* (1) Advanced planning briefings for industry are governed by

DoD Instruction 5230.14,¹ “Advanced Planning Briefings for Industry.”

(2) Classified meetings are governed by DoD Directive 5200.12,¹ “Security Measures, Approval and Sponsorship for Scientific and Technical Meetings Involving Disclosure of Classified Information.”

(g) *Visits to contractor facilities.* (1) Visits to contractor facilities will be governed by the provisions of DoD Manual 5220.22-M,² “Industrial Security Manual for Safeguarding Classified Information (Attachment to DD Form 441).”

(2) When DoD Components desire to sponsor such visits by nationally known press representatives, approval will be obtained from both the contractor and the ASD(PA).

PART 239—HOMEOWNERS ASSISTANCE PROGRAM—APPLICATION PROCESSING

Sec.

- 239.1 Purpose.
- 239.2 Applicability and scope.
- 239.3 Policy.
- 239.4 Definitions.
- 239.5 Benefit elections.
- 239.6 Eligibility.
- 239.7 Responsibilities.
- 239.8 Funding.
- 239.9 Application processing procedures.
- 239.10 Management controls.
- 239.11 Appeals.
- 239.12 Tax documentation.
- 239.13 Program performance reviews.
- 239.14 On-site inspections.
- 239.15 List of HAP field offices.

AUTHORITY: 42 U.S.C. 3374, as amended by Section 1001, ARRA, Public Law 111-5.

SOURCE: 75 FR 69873, Nov. 16, 2010, unless otherwise noted.

§ 239.1 Purpose.

This part:

(a) Continues to authorize the Homeowners Assistance Program (HAP) under Section 3374 of title 42, United States Code (U.S.C.), to assist eligible military and civilian Federal employee homeowners when the real estate market is adversely affected directly re-

lated to the closure or reduction-in-scope of operations due to Base Realignment and Closure (BRAC). Additionally, in accordance with section 1001, American Recovery and Reinvestment Act of 2009 (ARRA), Public Law 111-5, this part temporarily expands authority provided in section 3374, of title 42 U.S.C., to provide assistance to: Wounded, Injured, or Ill members of the Armed Forces (30 percent or greater disability), wounded Department of Defense (DoD) and Coast Guard civilian homeowners reassigned in furtherance of medical treatment or rehabilitation or due to medical retirement in connection with their disability, surviving spouses of fallen warriors, Base Realignment and Closure (BRAC) 2005 impacted homeowners relocating during the mortgage crisis, and Service member homeowners undergoing Permanent Change of Station (PCS) moves during the mortgage crisis. This authority is referred to as “Expanded HAP.”

(b) Establishes policy, authority, and responsibilities for managing Expanded HAP and defines eligibility for financial assistance.

(c) In accordance with this part, the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) has overall responsibility and, through the Deputy Under Secretary of Defense for Installations and Environment (DUSD(I&E)), provides oversight for this program. The Army, acting as the DoD Executive Agent for administering the HAP, uses the Headquarters, U.S. Army Corps of Engineers (HQUSACE) to implement the program.

§ 239.2 Applicability and scope.

This part applies to the Office of the Secretary of Defense, the Military Departments (including the U.S. Coast Guard), the Chairman of the Joints Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”). This part for Expanded HAP is applicable until September 30, 2012, or as otherwise extended by law.

¹ See footnote 1 on previous page.

² Available from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402—\$3.05.